

STEVEN G. KALAR
Federal Public Defender
ELIZABETH M. FALK
Assistant Federal Public Defender
19th Floor Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102
(415) 436-7700

Counsel for Defendant MORAGA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 16-159 WHA
Plaintiff,)	
v.)	
STANISLAV PETROV AND MILAGRO)	STIPULATION AND [PROPOSED]
MORAGA,)	ORDER SETTING BRIEFING
Defendants.)	SCHEDULE AND EXCLUDING TIME
)	UNDER 18 U.S.C. § 3161

The United States of America, by and through its attorney of record, and the above-captioned defendants, Stanislav Petrov and Milagro Moraga, by and through their attorneys of record, hereby stipulate as follows, and ask the Court to order as follows with respect to the briefing schedule on pretrial motions;

- Mr. Petrov will file his two pretrial motions to Suppress on August 30, 2016, pursuant to this Court's order. The government shall respond to those motions no later than October 11, 2016. Mr. Petrov's reply briefs shall be due no later than October 25, 2016, with a requested hearing date on **November 1, 2016, at 2:00 p.m.;**
- Ms. Moraga needs more time to file her pretrial Motion to Suppress in this case than the Court's current briefing deadline allows. This is because Ms. Moraga's motion is a Motion to Suppress the fruits of the March 8, 2016 Search Warrant on *Franks* grounds.

STIPULATION & ~~[PROPOSED]~~ ORDER SETTING BRIEFING SCHEDULE
AND MOTION HEARING
CR 16-159 WHA

As Ms. Moraga bears the burden on this motion, it is important that the opening motion is as complete as possible, and contains all factual support necessary for the motion.

Diligent investigation is ongoing with respect to this motion. For this reason, the parties stipulate to allow Ms. Moraga additional time to file her motion;

3. Accordingly, Ms. Moraga requests the Court to slightly alter the deadline for her opening motion, and allow her to file on September 9, 2016, as opposed to August 30, 2016. The government's response to the motion would be due on October 11, 2016. Ms. Moraga's Reply Brief would be due October 25, 2016, with a requested hearing date of **November 1, 2016 at 2:00 p.m.**;

4. Counsel for Mr. Petrov and Ms. Moraga have conferred as to the substance of the pretrial motions, to ensure that neither side is duplicating work that the other side is doing. To the extent the two defendants share a privacy interest articulated in any defendant's pretrial motion to suppress, or to the extent the defendants' interests are aligned and it is constitutionally and statutorily appropriate to do so, the non-moving party defendant intends to join the moving party defendants' motion(s) prior to the Motion Hearing date;

5. The parties concur that granting the exclusion of time between August 30 and September 8, 2016 would allow the reasonable time necessary for effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time for the purposes of effective preparation of counsel/continuity of counsel outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Once the motions are filed, time is automatically tolled under the Speedy Trial Act to allow the Court to adequately consider the pending motions and issue rulings on those motions;

Accordingly, due to the reasons stated above, the parties jointly move the Court to adopt the

proposed briefing schedules for the pretrial motions in the instant case, and to set a motion hearing on November 1, 2016 at 2:00 p.m.

SO STIPULATED:

BRIAN STRETCH
Acting United States Attorney

DATED: August 25, 2016

/s/
DAMALI TAYLOR
Assistant United States Attorney

DATED: August 25, 2016

/s/
ELIZABETH FALK
Attorney for Defendant Milagro Moraga

DATED: August 25, 2016

/s/
WILLIAM H. OSTERHAUT
Attorney for Defendant Stanislav Petrov

~~PROPOSED~~ ORDER

For the reasons stated above the Court hereby ORDERS that the briefing schedule proposed by the parties is adopted by this Court. The Court further sets a motion hearing on all pretrial motions on **November 1, 2016 at 2:00 p.m.**


The Court further finds that the exclusion of August 30, 2016 to September 8, 2016 from the time limits of this period applicable under 18 U.S.C. § 3161 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Denying the requested exclusion of time would deprive the defendant effective preparation of counsel, taking into account the exercise of due diligence. 18 U.S.C.

STIPULATION & ~~PROPOSED~~ ORDER SETTING BRIEFING SCHEDULE
AND MOTION HEARING
CR 16-159 WHA

1 § 3161(h)(7)(B)(iv).

2
3 IT IS SO ORDERED.

4
5 DATED: August 29, 2016.

6 
7 THE HONORABLE WILLIAM ALSUP
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION & ~~PROPOSED~~ ORDER SETTING BRIEFING SCHEDULE
AND MOTION HEARING
CR 16-159 WHA